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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,644	04/23/2001	David de Andrade	004572.P005	6427

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EXAMINER

PARRY, CHRISTOPHER L

ART UNIT PAPER NUMBER

2623

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/841,644	Applicant(s) ANDRADE ET AL.	
	Examiner Chris Parry	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument (Page 10, 4th ¶, lines 6-7), stating Reynolds does not teach or suggest inserting TV triggers automatically, the examiner respectfully disagrees. Reynolds discloses meta data 114 is combined with the NTSC formatted broadcast 112. Further the meta data component maybe, announcements packages, or interactive triggers (¶ 30). Reynolds further discloses if processor 134 determines meta data 114 should be substituted with meta data 142, then inserter 136 will automatically combine meta data 142 with video 135 to broadcast video stream 110' to local receivers (¶ 41-43).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2623

3. Claims 1-2, 7-8, 10-12, 17-18, 20-22, 27-31, and 36-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Reynolds et al. "Reynolds" (U.S. 2001/0037500).

Regarding Claim 1, Reynolds discloses in an interactive television (TV) environment (figure 1), a method comprising: recognizing one or more elements in a broadcast data stream by disclosing stripper 132 recognizes meta data 114 or "one or more elements" and removes it from signal 110 (§ 31).

Reynolds teaches, prior to broadcast, automatically inserting an interactive TV trigger into the broadcast data stream based on the recognized elements by disclosing processor 134 determines if substituting the meta data 114 is necessary by reviewing the specification of the announcement. If the specification allows, processor 134 will replace meta data component 114 with local meta data 142 (§ 32-41). Reynolds discloses meta data 114 may comprise ATVEF triggers (§ 30-36 and 40).

As for Claim 2, Reynolds teaches, pre-inserting the interactive TV trigger (142 – figure 2) into any stored content that will constitute the broadcast data stream (§ 40-41 and 43).

As for Claim 7, Reynolds teaches, wherein the automatically inserting of the interactive TV trigger includes automatically inserting the TV trigger into the broadcast data stream based on the recognized elements (§ 27 and 30-32). Reynolds discloses if stripper 132 recognizes a meta data 114 or "TV trigger" is for a national automobile ad

Art Unit: 2623

for example, the stripper 132 will remove meta data 114 and replace it with meta data 142 or "TV trigger" which represents information on local automobile dealers.

As for Claim 8, Reynolds teaches delivering the broadcast data stream with the inserted interactive TV trigger to one or more receivers for display (figures 1 and 3; ¶ 28).

As for Claim 10, Reynolds teaches, wherein the interactive TV trigger includes an Advanced Television Enhancement Forum (ATVEF) trigger (30-36 and 40).

Regarding Claim 11, Reynolds discloses in interactive television (TV) system environment (figure 1), a system comprising: an insertion platform to insert automatically, and prior to broadcasting, interactive TV triggers into a broadcast data stream by disclosing in figure 2, meta data substitution system 100. Reynolds teaches stripper 132 removes the meta data component 114 from signal 110 (¶ 31) and processor 134 makes the determination if local meta data should be inserted (¶ 32). Inserter 136 receives new local meta data from local meta data center 140 and combines meta data with video 135 to make a new combined signal 110' (¶ 41 and 43).

As for Claim 12, Reynolds teaches a recognizing unit (132 – figure 2) to recognize one or more elements in the broadcast data stream (¶ 31).

Considering Claim 17, the claimed elements of wherein the automatically inserting of the interactive TV trigger includes automatically inserting the TV trigger into the broadcast data stream based on the recognized elements, corresponds with subject matter mentioned above in the rejection of claim 7, and is likewise treated.

As for Claim 18, Reynolds teaches a delivering unit (136 – figure 2) to deliver the broadcast data stream with the inserted interactive TV trigger to one or more receivers for display (¶ 41 and 43).

Considering Claims 20, 29, and 38, the claimed elements of wherein the interactive TV trigger includes an Advanced Television Enhancement Forum (ATVEF) trigger, corresponds with subject matter mentioned above in the rejection of claim 10, and is likewise treated.

Regarding Claim 21, Reynolds discloses a computer-implemented method comprising: recognizing a media asset in a broadcast data stream by disclosing stripper 132 removes meta data component 114 from signal 110 (¶ 31).

Art Unit: 2623

Reynolds teaches checking if the media asset matches with an interactive element by disclosing processor 134 determines whether meta data component 114 can be replaced with local meta data from local meta data center 140 (§ 32).

Reynolds teaches prior to broadcasting, automatically inserting the interactive element into the broadcast data stream if the media asset matches with interactive element by disclosing inserter 136 automatically combines video 136 with local meta data 142 to output signal 110' (§ 41 and 43).

As for Claim 22, Reynolds teaches, passing the broadcast data stream to one or more receivers if the media asset does not match with an interactive element (§ 42).

As for Claim 27, Reynolds teaches, wherein the checking if the media asset matches with the interactive element includes checking if the media asset matches with an attribute associated with the interactive element (§ 40-42).

As for Claim 28, Reynolds teaches wherein the interactive element includes an interactive television (TV) trigger (§ 30-33 and 40).

Art Unit: 2623

Regarding Claim 30, Reynolds discloses a computing system (100 – figure 2) comprising: a recognizing unit (132 – figure 2) to recognize a media asset in a broadcast data stream (¶ 31).

Reynolds teaches a checking unit (134 – figure 2) to check if the media asset matches with an interactive element (¶ 32).

Reynolds teaches an inserting unit (136 – figure 2) to, prior to broadcasting, automatically insert the interactive element into the broadcast data stream if the media asset matches with interactive element (¶ 41).

As for Claim 31, Reynolds teaches, a passing unit to pass the broadcast data stream to one or more receivers if the media asset does not match with an interactive element (¶ 42).

Considering Claim 36, the claimed elements of wherein the checking unit is to check if the media asset matches with an attribute associated with the interactive element, corresponds with subject matter mentioned above in the rejection of claim 27, and is likewise treated.

Considering Claim 37, the claimed elements of wherein the interactive element includes an interactive television (TV) trigger, corresponds with subject matter mentioned above in the rejection of claim 28, and is likewise treated.

Regarding Claim 39, Reynolds discloses a machine-readable medium providing including instructions, which if executed by a processor, causes the processor to perform an operation comprising: recognizing a media asset in a broadcast data stream by disclosing stripper 132 removes meta data component 114 from signal 110 (§ 31).

Reynolds teaches checking if the media asset matches with an interactive element by disclosing processor 134 determines whether meta data component 114 can be replaced with local meta data from local meta data center 140 (§ 32).

Reynolds teaches prior to broadcasting, automatically inserting the interactive element into the broadcast data stream if the media asset matches with interactive element by disclosing inserter 136 combines video 136 with local meta data 142 to output signal 110' (§ 41 and 43).

As for Claim 40, Reynolds teaches passing the broadcast data stream to one or more receivers if the media asset does not match with an interactive element (§ 42).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-6, 13-16, 23-26, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Goldschmidt Iki et al. "Goldschmidt" (U.S. 6,601,103).

As for Claim 3, Reynolds fails to disclose wherein the elements include voice elements.

In an analogous art, Goldschmidt discloses wherein the elements include voice elements (Col. 6, lines 46-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reynolds with the teachings of Goldschmidt in order to include voice elements as recognizable elements for the benefit of recognizing elements of interest to a viewer within a broadcast stream and personalizing the broadcast stream with supplemental content to facilitate providing a personalized enhanced viewing experience (Goldschmidt – Background).

As for Claim 4, Reynolds fails to disclose wherein the elements include other audio elements.

In an analogous art, Goldschmidt discloses wherein the elements include other audio elements (Col. 6, lines 46-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reynolds with the teachings of Goldschmidt in order to include other audio elements as recognizable elements for the benefit of recognizing elements of interest to a viewer within a broadcast stream and personalizing the broadcast stream with supplemental content to facilitate providing a personalized enhanced viewing experience (Goldschmidt – Background).

As for Claim 5, Reynolds fails to disclose wherein the elements include video elements.

In an analogous art, Goldschmidt discloses wherein the elements include video elements (Col. 6, lines 61-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reynolds with the teachings of Goldschmidt in order to include video elements as recognizable elements for the benefit of recognizing elements of interest to a viewer within a broadcast stream and personalizing the broadcast stream with supplemental content to facilitate providing a personalized enhanced viewing experience (Goldschmidt – Background).

As for Claim 6, Reynolds fails to disclose wherein the elements include text elements as a special degenerate case of video elements.

In an analogous art, Goldschmidt discloses wherein the elements include text elements as a special degenerate case of video elements (Col. 6, lines 46-61). Goldschmidt discloses content evaluator 214 utilizes a video/graphical comparator to evaluate the video/graphical images of the received primary programming so therefore text is included as a graphical image. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reynolds with the teachings of Goldschmidt in order to include voice elements as recognizable elements for the benefit of recognizing elements of interest to a viewer within a broadcast stream and personalizing the broadcast stream with supplemental content to facilitate providing a personalized enhanced viewing experience (Goldschmidt – Background).

Considering Claims 13, 24, and 33, the claimed elements of wherein the elements include voice elements, corresponds with subject matter mentioned above in the rejection of claim 3, and is likewise treated.

Considering Claims 14, 23, and 32, the claimed elements of wherein the elements include other audio elements, corresponds with subject matter mentioned above in the rejection of claim 4, and is likewise treated.

Considering Claims 15, 25, and 34, the claimed elements of wherein the elements include video elements, corresponds with subject matter mentioned above in the rejection of claim 5, and is likewise treated.

Considering Claims 16, 26, and 35, the claimed elements wherein the elements include text elements as a special degenerate case of video elements, corresponds with subject matter mentioned above in the rejection of claim 6, and is likewise treated.

3. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Kaiser et al. "Kaiser" (U.S. 6,615,408).

As for Claim 9, Reynolds fails to disclose wherein the automatically inserting of the interactive TV trigger includes automatically inserting the interactive TV trigger into the broadcast data stream within a receiver.

In an analogous art, Kaiser teaches, wherein the automatically inserting of the interactive TV trigger includes automatically inserting the interactive TV trigger into the broadcast data stream within a receiver (Col. 8, lines 1-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reynolds with the teachings of Kaiser in order to facilitate automatically inserting of the interactive TV trigger includes automatically inserting the interactive TV trigger into the broadcast data stream within a receiver for the benefit of providing flexibility to the interactive TV system.

Considering Claim 19, the claimed elements of wherein the receivers are to insert automatically the interactive TV trigger into the broadcast data stream within, corresponds with subject matter mentioned above in the rejection of claim 9, and is likewise treated.

Note to Applicant

4. Art Units 2611, 2614 and 2617 have changed to 2623. Please make sure all future correspondence indicate the new designation 2623.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

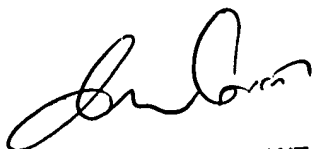
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2623

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



**CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiners Initials:

CLP

July 6, 2006